

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

May 30, 2025

LAURA A. AUSTIN, CLERK
BY: s/A. Beeson
DEPUTY CLERK

LOUIS A. STEWART,)	
Plaintiff,)	Civil Action No. 7:23cv00766
)	
v.)	OPINION and ORDER
)	
WARDEN STREEVAL, et al.,)	By: Robert S. Ballou
Defendant.)	United States District Judge

Plaintiff Louis A. Stewart, a federal inmate proceeding *pro se*, filed this civil action pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against Warden Streeval and other defendants at USP Lee in Pennington Gap, Virginia. By order entered November 28, 2023, and by order entered January 16, 2024, the court directed plaintiff to notify the court in writing immediately upon plaintiff's transfer or release and provide a new address. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

On July 29, 2024, plaintiff notified the court that he had been transferred to FCC Coleman-medium and provided his new address. On August 5, 2024, the defendants filed a Motion to Dismiss, or in the alternative, Motion for Summary Judgment. The next day, the court sent Stewart the notice required by *Roseboro v. Garrison*, 528 F.2d 309, 310, advising him that he had 21 days to file a response to the Defendants' motion. In the nearly ten months since that notice was mailed, the court has heard nothing from Stewart. Upon further inquiry, it has come to the court's attention that Stewart is no longer at FCC Coleman and has not been for several months. Coleman has failed to advise the court of his release/transfer or new address.

Accordingly, Stewart's Complaint is hereby **DISMISSED without prejudice** for failing to comply with the court's orders of November 28, 2023, and January 16, 2024. Further, the

defendants' Motion to Dismiss or in the Alternative Motion for Summary Judgment (ECF No. 24) is **DISMISSED** as moot, and the Clerk shall **STRIKE** this matter from the court's active docket.

The Clerk is further directed to send a copy of this order to the parties.

Enter: May 30, 2025

/s/ Robert S. Ballou

Robert S. Ballou
United States District Judge